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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,641	03/14/2001	Hiroshi Sugimoto	YAMAP0756US	2486

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EXAMINER

DINH, TAN X

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,641

Applicant(s)

SUGIMOTO ET AL.

Examiner

TAN X. DINH

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 21-26 and 32 is/are rejected.
- 7) ☒ Claim(s) 15-20 and 27-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1) The amendment filed 9/17/2004 is acknowledged.

2) The drawings were received on 9/17/2004. These drawings are approved by the examiner.

3) Claims 2,7,12,16,23 and 27 are rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase " present/absence " (claims 2,7,12 and 23) render(s) the claim(s) indefinite since it was not clear what applicant intended to cover by the recitation " present/absence ". The resulting claim(s) do not clearly set forth the metes and bounds of the patent protection desired.

The phrase " detection/correction " (claims 16 and 27) render(s) the claim(s) indefinite since it was not clear what applicant intended to cover by the recitation " detection/correction ". The resulting claim(s) do not clearly set forth the metes and bounds of the patent protection desired.

4) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this

section made in this Office action:

A person shall be entitled to a patent unless -

5) (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6) Claims 1,2,6,7,11,12,22,23 and 32, as understood by the meaning of 112, 2nd above, are rejected under 35 U.S.C. 102(e) as being anticipated by NAKAI et al (6,654,901).

NAKAI et al discloses a method for reading data from an information recording medium having a plurality of address regions as claimed in claim 1, comprising the step of:

performing a reading operation for all of designated address regions among the plurality of address regions while holding read error information regarding the read error in the case where a read error occurs during reading of data from one of the plurality of address regions (Fig.3, data is read out from hard disk 32. See column 8, line 56 to column 9, line 38);

transferring the read data to a data conversion device for converting the read data (Fig.6, Guaranty Of transfer Data Amount with no interruption and continuous read process. See column 9, lines

49-61. In this case, the data is readout from hard disk and transfers to host computer 20 for decoding (host computer is data conversion device));

transferring the read error information to the data conversion device (Fig.6, Guaranty Of transfer Data Amount with no interruption and continuous read process. See column 9, lines 49-61. In this case, the error is readout from hard disk and transfers to host computer 20 for decoding (host computer is data conversion device)).

As to claims 2,7,12 and 23, NAKAI et al shows the read error information includes read error presence/absence information indicating presence/absence of the read error (the read out data always includes read error if an error occurs during reading process).

Claim 6 adds control section to claim 1, which is shown in figure 3, CPU 22.

Claim 11 adds the feature of changing a method for transferring the read data to data conversion device according to the read error information (figure 6, the method for transferring data to data conversion is based on the read error information of first, second and third error-countermeasure methods. See column 9, lines 39-61).

Apparatus claim 22 is drawn to the apparatus corresponding to the method of using same as claimed in claim 1, therefore, apparatus claim

22 is rejected for the same reasons of anticipation (obviousness) as used above.

As to claim 32, the panel control is inherent in every reproducing device since without panel control the user can not operate the recording or reproducing processes.

7) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the

applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9) Claims 3,4,5,8,9,10,13,14,21,24,25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over NAKAI et al (6,654,901).

NAKAI et al discloses all the subject matter as claimed in claims 3,8,13 and 24, except to specifically show that the read error includes read error factor information indicating a factor which caused the read error and read error occurrence address information indicating an address region wherein the read error occurred. It would have been obvious to someone within the level of skill in the art at the time of the invention was made to use a read error includes error factor which caused the read error, and error address indicates an address region wherein the read error occurred in NAKAI et al's reproducing device. The rationale is as follows: the errors occur during reading process always includes an error factor (defect on the information recording medium such as a flaw, a fingerprint, off-tracking, missing data, corrupted data, etc.,) and error address since every data on the medium has been assigned a corresponding address, therefore, one of ordinary skill in the art at the time of the invention was made would have been motivated to

include error factor and error address in the read error of NAKAI et al's reproducing device as claimed.

As to claims 4 and 9, since the reading process of NAKAI et al read out and transfers both data and read error to conversion device which includes read error address and state of the held data.

As to claims 5 and 10, it would have been obvious to attach the error address and error factor as header to the data read in NAKAI et al's reproducing device as claimed since in the lay out of data structure, the error address, error factor or other elements could be attached or interchange at any suitable positions.

As to claims 14 and 25, NAKAI et al shows the read data is real-time data compressed according to MPEG format and data conversion device MPEG-decodes the read data (Fig.3, MPEG decoder 141).

As to claim 21, it would have been obvious to use the step of changing method for transferring read data by an order of a user in NAKAI et al's reproducing device since the user can perform any operation functions on any reproducing devices such as transferring data, error correcting data, erasing data, changing an operation step, etc.,.

As to claim 26, since the information data of NAKAI et al's reproducing device is MPEG which includes GOPs (I picture, B picture and P picture) and both data and read error (GOPs) are transferred to data conversion device, which also includes the GOPs (it is noted

that, to use a notation in the display for notifying a user, such as, PLAY, STOP, READING IMPOSSIBLE, etc., are old and well known in the art of recording and reproducing).

10) Claims 15-20,28-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


11) Claim 27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner TAN X. DINH whose telephone number is (571)272-7586. The examiner can normally be reached on Monday-Friday from 8:00AM to 5:00PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TAN DINH
PRIMARY EXAMINER
May 6, 2005